IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 17890 of 2004

Between:

1. Ameer Basha, S/o.Late Sk.Allauddin,
   C/o.& R/o.Sk.Akbar, Sullurupeta, Nellore District.
2. Sheik Akhlatunnisa Begum, W/o. the deceased Sk.Allauddin,
   R/o.& C/o. Sk.Akbar, Sullurupeta, Nellore District.

..... PETITIONERS

AND

1 The District Treasury officer/ Appointing authority for

class- IV, Nellore.
2 The Director of Treasuries and Accounts, Rajaram Buildings,

Abids, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or direction more particularly one in the nature of writ of certiorari calling records pertaining to OA.No.OA.No. 3667/99 dt.13-6-99 and OA.No.5790/99 dt. 11-12-2003 and Review M.A.No.384/2004 dt.26-4-2004 on the files of the Hon'ble A.P. Administrative Tribunal, Hyderabad and quash the dismissal orders passed in Review M.A.No.384/2004 and O.A.No.5790/99 dated 26-4-2004 and 11-12-2003 as illegal, arbitarary and unconstitutional and against the principles of natural justice when r/w earlier OA.No.3667/99 and quash the same, and to grant such other and further relief or reliefs as this Hon'ble court deems fit and proper in

this peculiar circumstances.

Counsel for the Petitioner:MR.T.RAJENDRA PRASAD

Counsel for the Respondent No.: GP FOR SERVICES I

The Court made the following :

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O R D E R:

This writ petition is filed assailing the order passed by the A.P. Administrative Tribunal, Hyderabad in O.A.No.3667 of 1999, dated 13-6-1999.

2. The matter relates to compassionate appointment of the petitioner. The father of the petitioner was working in the Treasury Department as Sub-Treasury Officer. He died on
5-04-1997 while he was in service. Thereafter, in May 1997, the petitioner filed an application for appointment on compassionate grounds.

3. The case of the petitioner was rejected on the ground that his date of birth as given in the educational certificate is 21-1-1978. Whereas the father of the petitioner underwent Family Planning Tubectomy Operation on
02-05-1977. Aggrieved by the rejection, the petitioner filed O.A No.5790 of 1999 before the A.P Administrative Tribunal, which was dismissed holding that as the petitioner did not take any steps to get the date of birth altered, he is not entitled for any relief. Hence, the present writ petition is filed.

4. The learned counsel for the petitioner, however, submits that on account of illiteracy and financial problems, proper guidance was not available to the petitioner and therefore, no steps were taken to get the date of birth amended. It is also stated that the affidavit filed by the mother of the petitioner supports the date of birth of the petitioner. It is also stated that the Tribunal ought to have taken into consideration the plea of the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Pleader

for respondents.

6. It is not in dispute that the petitioner's father died on 05-04-1997 and after the death of his father, the petitioner filed an application in May 1997 seeking compassionate appointment.

7. The question that falls for consideration is as to what is the date of birth of the petitioner.

8. According to school records, his date of birth is 21-1-1978, but, the petitioner's father has undergone Family Planning Operation on 02-05-1977.

9. Under those circumstances, it is very much doubtful as to the date of birth of the petitioner, more so after the family planning operation. Be that as it may, since the petitioner did not take any steps to get the date of birth altered, we cannot find any fault with the order of the Tribunal.

10. Accordingly, the writ petition is dismissed. No costs.

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(G.BIKSHAPATHY, J)

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(P.S.NARAYANA, J)

Dated 30th March, 2005.

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To

1 The District Treasury officer/ Appointing authority for

class-IV, Nellore.
2 The Director of Treasuries and Accounts, Rajaram Buildings,

Abids, Hyderabad.

3. Two CCs to GP for Services-I, High Court Buildings,

Hyderbad(OUT)

4. Two CD copies.

5. The Registrar, A.P. Administrative Tribunal,

Hyderabad.